

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL MILLER,	:	
Plaintiff,	:	No. 5:24-CV-05338-JFL
	:	
v.	:	Judge Joseph F. Leeson, Jr.
	:	
COUNTY OF LANCASTER, <i>et al.</i> ,	:	
Defendants	:	

**DEFENDANTS’ MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT
(DOC. NO. 4) PURSUANT TO FEDERAL RULES OF CIVIL PROCEDURE 12(B)(1)
AND 12(B)(6)**

Defendants County of Lancaster, Tammy Bender, Jacqueline Pfursich, Joshua Parsons, Ray D’Agostino, and Christa Miller (collectively, “Defendants”), by and through their undersigned counsel, McNees Wallace & Nurick LLC, hereby move to dismiss *pro se* Plaintiff Michael Miller (“Miller”)’s Amended Complaint filed in the above-captioned action on October 12, 2024 (Doc. No. 4) pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and in support thereof, respectfully state as follows:

1. Miller initiated this action on October 5, 2024, by filing a Complaint in this Court against Defendants. (Doc. No. 1).

2. Miller subsequently filed an Amended Complaint against Defendants on October 12, 2024 (Doc. No. 4) and served the Amended Complaint on Defendants on October 16, 2024 (Doc. No. 7).¹

3. On October 31, 2024, upon motion, the Court granted Defendants an extension of time in which to respond to the Amended Complaint on or before November 20, 2024.

¹ Miller appears to have served Defendants with the same document that he filed with this Court (Doc. No. 4). As the Amended Complaint notes, though, Miller did not include his exhibits with the Amended Complaint filed with the Court or served on Defendants and, rather, intends to provide such exhibits in the course of discovery. *See* Doc. Nos. 4, 9.

4. As discussed in more detail in Defendants' accompanying brief, the Amended Complaint is a continuation of Miller's attempts to relitigate his unsuccessful state and federal proceedings arising out of Pennsylvania's Right to Know Law.

5. The Amended Complaint asserts various federal constitutional claims and state law claims against Defendants.

6. Defendants respectfully submit that the Amended Complaint warrants dismissal for several reasons pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

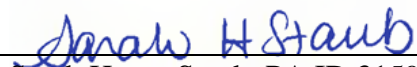
7. Accordingly, Defendants submit the instant Motion to Dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), as well as Local Rule 7.1(c).

8. Pursuant to Local Rule 7.1(d), this Motion is not certified as uncontested. This Motion will be served on Miller via electronic mail because Miller has consented to service by electronic mail. The Motion will also be served by electronic filing, to the extent Miller may have electronic filing capabilities for purposes of this action.

WHEREFORE, for the reasons discussed in more detail in the accompanying brief, Defendants respectfully request that the Court grant their Motion to Dismiss and dismiss the Amended Complaint with prejudice.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

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Dated: November 20, 2024

Attorneys for Defendants